
(1993) 01 P&H CK 0085
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 6527 of 1991

Rajbir

APPELLANT

Vs

The Managing Director, Gurgaon Central Cooperative Bank
Ltd. and Another

RESPONDENT

Date of Decision : 27-01-1993

Acts Referred:

Constitution of India, 1950 — Article 12, 226, 227

Citation : (1993) 104 PLR 633

Hon'ble Judges : R.K. Nehru, J;G.R. Majithia, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

G.R. Majithia, J.—The petitioner has sought a direction to the respondents to regularise his services as Peon-cum-Chowkidar in his writ petition under Articles 226/227 of the Constitution of India.

2. Indisputably the petitioner was appointed as Peon cum- Chowkidar on July 30,1984 by Farrukh Nagar Cooperative).: Credit and Service Society, Farrukh Nagar (for short, the Society). He was appointed on ad hoc basis on a monthly salary of Rs. 200/-. He has been continuing in service without break. He claims regularisation of his services.

3. Written statement has been filed on behalf of the Society A preliminary objection has been taken that the society is not an instrumentality of the State or other Authority within the meaning of Article 12 of the Constitution of India It is further mated that the Registrar of the Cooperative; Societies, Haryana, vide letter No. 7668-76, dated December 20, 1990 intimated the society that as per staff pattern for Primary Credit and Service Societies, no post of Peon exists in the Societies. The petitioner cannot ask for a direction to work against a non-existing post in staff pattern The preliminary objection that no writ lies against the Society finds full support from the decision rendered by this Court in Satya Pal Singh v. The Registrar Co-operative Societies, Haryana, 1980 P. L. J. 327.

where it was held thus :

"Consequently, the Society cannot be said to be an authority within the meaning of Article 12 of the Constitution of India, and as such, is not amenable to writ jurisdiction of this Court. In the modern developing society mere holding of some shares by the State in an ordinary business venture would not convert the Cooperative Society running such a venture into an instrumentality of State or other authority within the meaning of Article 12".

4. For the reasons stated above, the writ petition is dismissed being not maintainable.